

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
)
Plaintiff,) 4:10CR3125
)
v.)
)
DELFINO VARGAS-BERNAL,) MEMORANDUM AND ORDER
)
Defendant.)
)

This matter comes before the court on the Defendant's Motion to Withdraw and Appoint New Counsel, (filing no. 32). Defendant states he can no longer afford retained counsel and he seeks appointed counsel.

The court does not have a financial affidavit of record for this defendant, and based on the information in the pretrial services report and the defendant's representations during court hearings for release, it is unclear whether the defendant lacks sufficient assets to afford counsel.

IT IS THEREFORE ORDERED:

- 1) The defendant shall complete a CJA23 financial affidavit, a copy of which is attached, and send it to the chambers of the undersigned magistrate judge.
- 2) Upon receipt of defendant's financial affidavit, the court will consider the defendant's motion for appointed counsel.

DATED this 28th day of January, 2011.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge

CJA 23

Rev. 5/98

FINANCIAL AFFIDAVIT

IN SUPPORT OF REQUEST FOR ATTORNEY, EXPERT OR OTHER COURT SERVICES WITHOUT PAYMENT OF FEE

IN UNITED STATES

MAGISTRATE

DISTRICT

APPEALS COURT or

OTHER PANEL (Specify below)

IN THE CASE OF

V.S.

| FOR

A7

LOCATION NUMBER

PERSON REPRESENTED (Show your full name)

- Defendant—Adult
- Defendant - Juvenile
- Appellant
- Probation Violator
- Parole Violator
- Habeas Petitioner
- 2255 Petitioner
- Material Witness
- Other

CHARGE/OFFENSE (describe if applicable & check box →) Felony
 Misdemeanor

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graph TD; A[DOCKET NUMBERS] --> B[Magistrate]; B --> C[District Court]; C --> D["Court of Appeals"]
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ANSWERS TO QUESTIONS REGARDING ABILITY TO PAY

EMPLOY- MENT	Are you now employed? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Am Self-Employed				
	Name and address of employer: _____				
	IF YES , how much do you earn per month? \$ _____	IF NO , give month and year of last employment How much did you earn per month? \$ _____			
	If married is your Spouse employed? <input type="checkbox"/> Yes <input type="checkbox"/> No				
IF YES , how much does your Spouse earn per month? \$ _____	If a minor under age 21, what is your Parents or Guardian's approximate monthly income? \$ _____				
ASSETS OTHER INCOME	Have you received within the past 12 months any income from a business, profession or other form of self-employment, or in the form of rent payments, interest, dividends, retirement or annuity payments, or other sources? <input type="checkbox"/> Yes <input type="checkbox"/> No				
	RECEIVED	SOURCES			
	IF YES, GIVE THE AMOUNT RECEIVED & IDENTIFY THE SOURCES \$ _____				
CASH	Have you any cash on hand or money in savings or checking accounts? <input type="checkbox"/> Yes <input type="checkbox"/> No IF YES , state total amount \$ _____				
PROP- ERTY	Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? <input type="checkbox"/> Yes <input type="checkbox"/> No				
	VALUE	DESCRIPTION			
	IF YES, GIVE THE VALUE AND \$ DESCRIBE IT _____ _____ _____				
OBLIGATIONS & DEBTS	DEPENDENTS	MARITAL STATUS	Total No. of Dependents	List persons you actually support and your relationship to them _____ _____ _____	
		<input type="checkbox"/> SINGLE <input type="checkbox"/> MARRIED <input type="checkbox"/> WIDOWED <input type="checkbox"/> SEPARATED OR <input type="checkbox"/> DIVORCED			
	DEBTS & MONTHLY BILLS <small>(LIST ALL CREDITORS, INCLUDING BANKS, LOAN COMPANIES, CHARGE ACCOUNTS, ETC.)</small>	APARTMENT OR HOME:	Creditors	Total Debt	Monthly Paymt.
				\$ _____	\$ _____
			\$ _____	\$ _____	
			\$ _____	\$ _____	
			\$ _____	\$ _____	

I certify under penalty of perjury that the foregoing is true and correct. Executed on (date)

SIGNATURE OF DEFENDANT

(OR PERSON REPRESENTED)

